

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED: February 5, 2009
JOSE MANUEL SOTO, a/k/a "Zero,"	:	VIOLATIONS:
	:	21 U.S.C. § 841(a)(1), (b)(1)(A) (possession with intent to distribute 50 grams or more of cocaine base ("crack") - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(B) (distribution and possession with intent to distribute 100 grams or more of heroin - 1 count)
	:	18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime - 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 11, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

JOSE MANUEL SOTO,
a/k/a "Zero,"

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 100 grams or more, that is, approximately 360 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT TWO
THE GRAND JURY FURTHER CHARGES THAT:

On or about December 11, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**JOSE MANUEL SOTO,
a/k/a “Zero,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 50 grams or more, that is, approximately 57 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 11, 2008, in the Eastern District of Pennsylvania,
defendant

**JOSE MANUEL SOTO,
a/k/a “Zero,”**

knowingly possessed, and aided and abetted the possession of, a firearm, that is, a Taurus 9 millimeter pistol, Model Millenium, serial number TUF60320, loaded with 8 live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a), set forth in this indictment, defendant

**JOSE MANUEL SOTO,
a/k/a “Zero,”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

(2) If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violation of Title 18, United States Code, Section 924(c), set forth in this indictment, defendant

**JOSE MANUEL SOTO,
a/k/a “Zero,”**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offense, including, but not limited to:

- a. a Taurus 9 millimeter pistol, Model Millenium, serial number TUF60320,
loaded with 8 live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

**LAURIE MAGID
Acting United States Attorney**